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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Glenn G. Strawder

Serial No.: 09/865,696

Filed: 05/29/2001

For: A Method For Monitoring Radiology Machines, Operators and Examinations

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the office action dated 11/22/2009, the Examiner is correct as to the problems with the claims. Therefore, replace page 1, page 2, page 3 and page 4 in the claims appendix with the attached corrected page 1, page 2, page 3 and page 4.

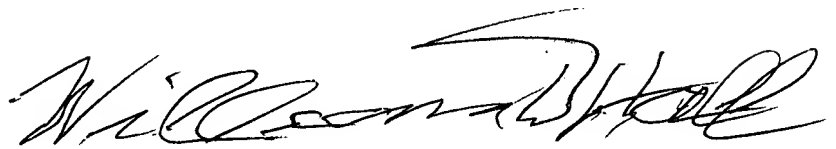
Claim 93 has been cancelled, therefore, replace page 7 (which is Status of Claims) of the Brief with the attached corrected page 7. Further replace pages 28 to 33 of the Brief with the attached corrected pages 28 to 32.

Applicant, however, does not agree with the Examiner's request that Applicant remove the "Background of the Summary of Claimed Subject Matter". In an earlier "Notification of Non-Compliant Appeal Brief" by Patent Appeals Specialist Cassandra Downs, applicant was informed by Ms. Downs that all of the nine new headings were proper. The rules provide that an Applicant have certain headings in a certain order but, the rules do not restrict an Applicant from adding

new headings to explain and defend his or her case.

Evidence Appendix pages 1 to 4 (Applicant's Declaration) should remain in the Brief.

Respectfully,

A handwritten signature in black ink, appearing to read "William D. Hall", written in a cursive style.

William D. Hall
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Claim 65. An apparatus for monitoring the operations of an operator of a medical imaging machine that performs a medical function, comprising:

a computer for storing a first series of steps that an operator should perform when using said medical imaging machine to perform said medical function,

said computer also storing a second series of steps that set forth what the operator performed during the use of said medical imaging machine used to perform said medical function, and

said computer comparing said first series of steps with said second series of steps.

Claim 66. Apparatus as defined in claim 65, in which said computer has an output which sets forth prices computed from the operations performed by the operator of said medical imaging machine.

Claim 67. Apparatus as defined in claim 65, wherein there are a plurality of medical imaging machines each of which performs a medical function and produces a picture of a body part in which,

said computer comparing at least one step of said first series of steps of each of said medical imaging machines with at least one step of said second series of steps for each of said medical imaging machines.

Claim 68. Apparatus as defined in claim 65, in which there are plural medical imaging machines and plural computers, including at least one computer for each medical imaging machine so that separate operators of said medical imaging machines can be monitored for separate patients at the same time.

Claim 69. The method of monitoring the operations of an operator of a medical imaging machine which gathers medical information about a patient, comprising:

providing a computer,
storing in said computer a predetermined series of steps for operating said medical imaging machine to perform a medical function,
entering into said computer the actual series of steps of said operator in operating said medical imaging machine, and
comparing said predetermined series of steps with said actual series of steps of said operator.

Claim 70. The method as defined in claim 69, in which said computer computes prices useful, for billing purposes, from the operations of said medical imaging machine.

Claim 71. The method as defined in claim 69, in which there are a plurality of medical imaging machines each of which perform a medical function,

providing a separate operator for each of said medical imaging machines, with each operator performing a series of steps while operating a machine, and
comparing said predetermined series of steps with the actual series of steps of each operator.

Claim 72. The method as defined in claim 71, in which said computer provides information on procedures performed on each of said medical imaging machines as well as summaries of the operations of all of said medical imaging machines.

Claim 77. An apparatus for monitoring the operations of an operator of a medical imaging machine to take a picture of a body part of a patient, comprising:

a computer,
said computer including means for storing at least two predetermined steps that an operator should perform when using said medical imaging machine to take a picture of a body part of a patient,

said computer including means for receiving and storing at least two of the actual steps that the operator should perform when using said medical imaging machine to take a picture of a body part of a patient, and

said computer also including means for comparing said at least two predetermined steps with said at least two actual steps entered into said computer.

Claim 83. The apparatus as defined in claim 65, in which said first series of steps includes the manipulations an operator should perform in performing said medical function,

said second series of steps including the manipulations performed by said operator in using said medical imaging machine.

Claim 84. The apparatus as defined in claim 65, in which said first series of steps includes the manipulations of the patient which should be performed during said medical procedure, said second series of steps including actual manipulations of the patient during said medical procedure.

Claim 85. The method as defined in claim 69, in which said first named series of steps includes the manipulations the operator should perform in using the medical imaging machine,

said actual series of steps including the actual manipulations performed by said operator in actual use of said medical imaging machine.

Claim 86. The method as defined in claim 69, in which said computer stores as part of said predetermined series of steps the operator's manipulations of the patient which should be performed as part of said medical function,

said actual series of steps including the operator's actual manipulations of the patient, said computer also computing at least some part of the cost of some part of the medical procedure performed.

Claim 87. The apparatus as defined in claim 65, in which said computer stores a signal that represents the operations of the operator.

Claim 88. The method as defined in claim 69, in which said computer has more than one stored signal which represents the operations of the operator during the performance of the medical procedure.

Claim 89. The apparatus as defined in claim 77, in which said computer stores signals representing the operator's operations during the medical procedure.

Claim 90. The method as defined in claim 69, in which said computer prints out the results of said computer comparison of said predetermined series of steps with said actual series of steps along with pricing data relating to said operation.

Claim 91. The apparatus as defined in claim 65, in which said computer compares the cost of performing said first series of steps with said second series of steps.

Claim 92. The method as defined in claim 69, in which said computer stores the physical steps that took place in performing a procedure, and determines data useful in computing the cost of operating said machine.

Status of Claims

All claims have been rejected.

Claims 1-64, 73-76, 78-82, 93 are cancelled.

Claims 65-72, 77, 83-92 stand rejected and are the subject of this appeal.

Even if the combination of Howson, Prince and Dorne is made it does not teach any of the recitals of Claim 70. Even if the combination of Howson, Prince and Dorne is made the combination would not produce the same results as the present invention. The Examiner has not shown proper motivation for combining Howson, Prince and Dorne.

Claim 92

Nowhere does the Examiner show that Howson and Prince in view of Dorne have any of the recitals of Claim 92. For example the following passages of Claim 92 are not in Howson, Prince or Dorne, Claim 92, line 4 to line 6 calls for, “said computer stores the physical steps that took place in performing a procedure, and determines data useful in computing the cost of operating said machine.” (Appellant’s application: Page 5, line 15-19; Page 14, line 17 to Page 15, line 4; Page 18, line 18-22; Page 23, line 11-17).

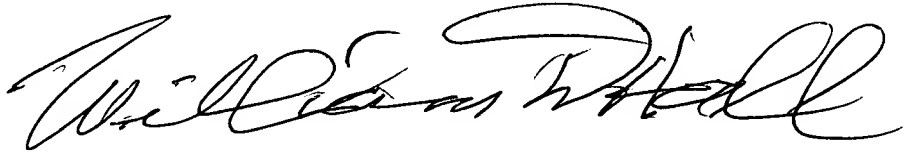
Even if the combination of Howson, Prince and Dorne is made it does not teach any of the steps of Claim 92. Even if the combination of Howson, Prince and Dorne is made the combination would not produce the same results as the present invention. The Examiner has not shown proper motivation for combining Howson, Prince and Dorne.

Claims Appendix

Evidence Appendix

Related Proceedings Appendix

Respectfully,

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